



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KTF/KCB/NCG/SMF
F. #2018R01401

271 Cadman Plaza East
Brooklyn, New York 11201

May 2, 2025

By ECF

The Honorable Joseph A. Marutollo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Cherwitz, et al.
Criminal Docket No. 23-146 (DG)

Dear Judge Marutollo:

The government writes to supplement its proposed voir dire requests. Specifically, at the April 22, 2025 appearance before the Court regarding jury selection, the Court indicated that it planned to include, in its voir dire, the following question:

[Y]ou may hear or see evidence in this case regarding sexual acts involving bondage, discipline, dominance, submission, B[D]SM, and sex acts in which people are engaging in relationships with multiple sexual partners. Is there anything about receiving or hearing such evidence that would prevent you from being a fair and impartial juror in this case[?]

April 22, 2025 Tr. at 11. The government proposes adding the following, italicized language to the Court's intended request:

[Y]ou may hear or see evidence in this case regarding *sexually explicit material*, sexual acts involving bondage, discipline, dominance, submission, B[D]SM, and sex acts in which people are engaging in relationships with multiple sexual partners. Is there anything about receiving or hearing such evidence that would prevent you from being a fair and impartial juror in this case[?]

The government has conferred with counsel for the defendants, who have indicated that they do not believe the addition is necessary in light of the totality of the Court's anticipated questions. However, because the evidence in the case may involve sexually explicit material, the government respectfully submits that the italicized language above should be incorporated.

The government thanks the Court for its consideration.

Respectfully submitted,

JOHN J. DURHAM
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